

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1420

By: Cannaday

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending Section
8 1, Chapter 304, O.S.L. 2008 (11 O.S. Supp. 2008,
9 Section 8-116), which relates to part-time city
10 managers; authorizing certain municipalities to hire
11 part-time city planners; authorizing governing body
12 to determine duties; amending 11 O.S. 2001, Section
13 10-112, as last amended by Section 2, Chapter 304,
14 O.S.L. 2008 (11 O.S. Supp. 2008, Section 10-112),
15 which relates to city manager and part-time city
16 manager appointments; authorizing the council to hire
17 a part-time city planner; amending Section 3, Chapter
18 304, O.S.L. 2008 (74 O.S. Supp. 2008, Section
19 5017.8), which relates to the development and
20 coordination of a financial assistance program for
21 certain municipalities; and providing an effective
22 date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY Section 1, Chapter 304, O.S.L.
2008 (11 O.S. Supp. 2008, Section 8-116), is amended to read as
follows:

Section 8-116. A. Any municipality with a population of less
than five thousand (5,000) according to the latest Federal Decennial
Census may employ a part-time city manager or a part-time city

1 planner. The duties of the part-time city manager shall be
2 determined by the governing body of the municipality, or pursuant to
3 Section 10-113 of ~~Title 11 of the Oklahoma Statutes~~ this title for
4 municipalities governed by the council-manager form of government.
5 The duties of the part-time city planner shall be determined by the
6 governing body of the municipality.

7 B. Financial assistance for qualifying municipalities may be
8 obtained, upon availability of funding, through a financial
9 assistance program to be developed by the Oklahoma Department of
10 Commerce authorized pursuant to Section 5017 of Title 74 of the
11 Oklahoma Statutes.

12 SECTION 2. AMENDATORY 11 O.S. 2001, Section 10-112, as
13 last amended by Section 2, Chapter 304, O.S.L. 2008 (11 O.S. Supp.
14 2008, Section 10-112), is amended to read as follows:

15 Section 10-112. The council shall appoint a city manager ~~or,~~ a
16 part-time city manager, or a part-time city planner, pursuant to
17 this act, by a vote of a majority of all its members subject to the
18 terms of employment established by the council. It shall choose the
19 city manager ~~or,~~ part-time city manager, or part-time city planner
20 solely on the basis of executive and administrative qualifications
21 with special reference to the actual experience in, or the knowledge
22 of, accepted practice in respect to the duties of the office. At
23 the time of appointment, the city manager need not be a resident of
24 the city or state; but during the tenure of holding office the city

1 manager shall reside within the city. City managers ~~or~~, part-time
2 city managers, or part-time city planners may appoint themselves, or
3 the council or other authority may appoint or elect the city manager
4 ~~or~~, part-time city manager, or part-time city planner to other
5 offices and positions in the city government, subject to regulations
6 prescribed by ordinance; but the city manager ~~or~~, part-time city
7 manager, or part-time city planner may not receive compensation for
8 service in such other offices or positions. Neither the mayor nor
9 any members of the city council may be appointed city manager ~~or~~,
10 part-time city manager, or part-time city planner during the term
11 for which they shall have been elected nor within two (2) years
12 after they cease to hold such office.

13 SECTION 3. AMENDATORY Section 3, Chapter 304, O.S.L.
14 2008 (74 O.S. Supp. 2008, Section 5017.8), is amended to read as
15 follows:

16 Section 5017.8 Contingent on funding, the Oklahoma Department
17 of Commerce may partner with a statewide organization to develop and
18 coordinate a financial assistance program for qualifying
19 municipalities having a population of less than five thousand
20 (5,000) according to the latest Federal Decennial Census to employ a
21 part-time city manager or a part-time city planner pursuant to
22 Section ~~±~~ 8-116 of ~~this act~~ Title 11 of the Oklahoma Statutes. The
23 statewide organization shall demonstrate to the Oklahoma Department
24 of Commerce that it is exempt from taxation under federal law and

1 designated pursuant to the Internal Revenue Code, 26 U.S.C., Section
2 170(a) and that it has represented municipalities, had statutory
3 functions and conducted training programs for municipalities for at
4 least fifteen (15) years prior to November 1, 2005. It shall
5 further demonstrate that its continuous official purpose is to
6 promote the general welfare of cities and towns, to foster or
7 conduct schools, short courses and other training sessions, to
8 provide technical assistance and consultative services and other
9 aids for the improvement and increased efficiency of city and town
10 government, and to serve as the representative of cities and towns
11 in carrying out the duties and prerogatives conferred on it by state
12 law.

13 SECTION 4. This act shall become effective November 1, 2009.

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